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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,677	06/12/2001	Yesim Erke	END920010025US1	5004

7590 07/28/2004

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EXAMINER

ZEENDER, FLORIAN M

ART UNIT PAPER NUMBER

3627

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/879,677

Applicant(s)

ERKE ET AL.

Examiner

F. Ryan Zeender

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-23 is/are pending in the application.  
4a) Of the above claim(s) 14-18 is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 1-4, 6-13, 19-23 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.  
5) ☐ Notice of Informal Patent Application (PTO-152)  
6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 103***

Claims 1-4, 6-13 and 19-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over of Peterson et al. '522 in view Feigin et al. '196.

Peterson et al. '522 disclose or inherently teach a method of determining inventory levels of parts for a plurality of stocking locations (i.e., vendors); the method comprising the steps of providing data and request rates (i.e., purchase orders) for a plurality of customer (i.e., end user) locations, unit price, handling costs (Col. 5, line 15), and transportation costs (see Col. 5, line 14) for other vendors and customers.

Peterson et al. '522 lack the teaching of the providing handling costs, travel time, specifying a parts procurement time performance measure and entering the data into a computer program, computing inventory levels using the computer program and ordering to maintain part inventory levels.

Feigin et al. teach a method of determining inventory levels of parts for a plurality of stocking locations (retail locations) including a parts procurement time performance measure (lead time, "L" which includes travel time) and entering the data into a computer program, computing inventory levels using the computer program and ordering to maintain part inventory levels.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Peterson et al. to include a parts procurement time performance measure and entering the data into a computer program, computing inventory levels using the computer program and ordering to maintain part inventory levels, in view of

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Feigin et al., in order to provide a means to more accurately project future inventory levels (See Feigin et al., Col. 1, lines 11-16).

Re claims 3-4: probability distributions are well known in the art of computer programming, and their use would have obvious to one of ordinary skill in the art at the time of the invention, in order to determine certain desired statistics.

Re claims 1, 11, 19 and 20: Feigin et al. teach the claimed parts procurement time performance measure (i.e., See, for example, Col. 10, lines 39-54; specifically “Method 1 estimates the fill rate to be 63% in weeks 6-16”).

Re claims 6 and 21: It is common for businesses to group parts by importance to accommodate customers. For example, parts that are “rush orders” would be separated from regular orders. Feigin et al. teach a plurality of times (See Fig. 4; time: weeks 0-16)

Re claims 7 and 22: Peterson et al. teach means for keeping costs low.

Re claims 8 and 11: mixed integer optimization programs are well known in the art of computer programming, and their use would have obvious to one of ordinary skill in the art at the time of the invention, in order to provide certain desired results.

Re claims 9 and 23: It is an obvious business practice to compute inventory levels that maximizes the number of parts transferred at a given cost in order for the business to be as efficient as possible and thus maximize potential profit.

Re claim 10: Shipping companies such as “**FedEx**” provide information with regards to the time of shipping; and to compute this information would have been

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obvious to one of ordinary skill in the art at the time of the invention in order to provide the customer with precise delivery times.

### ***Response to Arguments***

Applicant's arguments filed 4/26/04 have been fully considered but they are not persuasive.

On page 12 of the arguments, the applicant states that the teachings in column 10, lines 39-54 of Feigin et al. are substantially different than applicant's limitation: "the percentage of parts in said request rates which can be transferred from any said stocking location to each respective said customer location within a pre-specified time". However, the language in the reference: "Method 1 estimates the fill rate to be 63% in weeks 6-16", where the "fill rate" is the fraction of demand that is filled off the shelf, does anticipate the limitation. A summary of the teachings is as follows:

- "percentage of parts" is taught by "63%"
- "request rates" are taught by "demand"
- "transferred from stocking locations to customer locations" is taught by "filled off the shelf" where the customer location is interpreted to be a retailer.

Again, as discussed in the previous Office Action, the retail locations could be interpreted to be the customer locations having **installed equipment** requiring parts.

For example, many auto dealerships are retailers that may order from suppliers components/parts (i.e., a specific angular socket for use with power wrench equipment) in order to perform repairs under warrantee or on recall. In this case, the retailer is the supplier's "customer".

On page 13, paragraph 2 of the arguments, the applicant states that there is no documentary evidence to support an allegation of obviousness in the rejection of claims 9 and 23. The applicant, however, has not in any way argued or stated that the Examiner's obviousness rejection is improper or incorrect and therefore the rejection is maintained. The statement regarding claims 9 and 23 above serves as an affidavit.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to F. Ryan Zeender whose telephone number is (703) 308-8351. The examiner can normally be reached on Monday-Friday, 8am-5pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Olszewski can be reached on (703) 308-5183. The receptionist's phone number for the Technology center is (703) 308-1113.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9327 for after-final communications.

F. Zeender  
Patent Examiner, A.U. 3627  
July 25, 2004

 7/25/04